

ESTTA Tracking number: **ESTTA714087**

Filing date: **12/11/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Lux Products Corporation
Granted to Date of previous extension	12/19/2015
Address	4747 S. Broad Street, Bldg 101, Ste 330 Philadelphia, PA 19112 UNITED STATES
Attorney information	Patricia Smink Rogowski Panitch Schwarze Belisario & Nadel LLP 2005 Market Street, Suite 2200 Philadelphia, PA 19103 UNITED STATES usptotm@panitchlaw.com, progowski@panitchlaw.com, blabutta@panitchlaw.com, dballantyne@panitchlaw.com Phone:215-965-1330

Applicant Information

Application No	86644758	Publication date	10/20/2015
Opposition Filing Date	12/11/2015	Opposition Period Ends	12/19/2015
Applicant	Flux Software LLC 929 Gretna Green Way Los Angeles, CA 90049 UNITED STATES		

Goods/Services Affected by Opposition

Class 009. First Use: 0 First Use In Commerce: 0
All goods and services in the class are opposed, namely: Software to control and improve the quality of light sources


Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
--------------------------------------	----------------------------

Marks Cited by Opposer as Basis for Opposition


U.S. Registration No.	2264062	Application Date	07/23/1997
Registration Date	07/27/1999	Foreign Priority Date	NONE
Word Mark	LUX		
Design Mark			

Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 1994/07/00 First Use In Commerce: 1994/07/00 thermostat and thermostat accessories, namely, thermocouples and locking guards; electronic timers; water heater parts,namely, thermostats, pressure switches,presure gauges, drain valves, temperature relief valves, pressure cut-off switches; mechanical timers Class 011. First use: First Use: 1996/01/00 First Use In Commerce: 1996/01/00 range replacement parts, namely, top burner elements, drip pans, rings and bowls, top burner and oven knobs, bake and broil elements, and receptacle blocks

U.S. Registration No.	2349968	Application Date	05/13/1999
Registration Date	05/16/2000	Foreign Priority Date	NONE
Word Mark	LUXPRO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1998/11/05 First Use In Commerce: 1998/11/05 THERMOSTATS		

U.S. Registration No.	2108904	Application Date	10/07/1996
Registration Date	10/28/1997	Foreign Priority Date	NONE
Word Mark	LUXLIGHT		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1995/10/13 First Use In Commerce: 1995/10/13 thermostats for controlling heating andcooling systems		

U.S. Registration No.	4868191	Application Date	11/12/2014
Registration Date	12/08/2015	Foreign Priority Date	NONE
Word Mark	LUX		

Design Mark	
Description of Mark	The mark consists of the word "LUX", instylized text, where the downward stroke of the "X" is solid, and the upward stroke is broken.
Goods/Services	Class 009. First use: First Use: 2015/07/01 First Use In Commerce: 2015/07/01 Thermostat and thermostat accessories, namely, thermocouples and locking guards; electronic timers; water heater parts,namely, thermostats, pressure switches,presure gauges, pressure relief drain valves, temperature relief valves, pressure cut-off switches; mechanical timers

U.S. Registration No.	4868192	Application Date	11/12/2014
Registration Date	12/08/2015	Foreign Priority Date	NONE
Word Mark	LUX PRODUCTS		
Design Mark			
Description of Mark	The mark consists of the word "LUX", instylized text, stacked above the word "PRODUCTS", separated by a horizontal line. The downward stroke of the "X" is solid, and the upward stroke is broken.		
Goods/Services	Class 009. First use: First Use: 2015/07/01 First Use In Commerce: 2015/07/01 Thermostat and thermostat accessories, namely, thermocouples and locking guards; electronic timers; water heater parts,namely, thermostats, pressure switches,presure gauges, pressure relief drain valves, temperature relief valves, pressure cut-off switches; mechanical timers		

Attachments	75705977#TMSN.png(bytes) 86452014#TMSN.png(bytes) 86452015#TMSN.png(bytes) 00823641.PDF(112308 bytes) 00823622.PDF(105203 bytes)
-------------	--

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Patricia Smink Rogowski/
Name	Patricia Smink Rogowski
Date	12/11/2015

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Lux Products Corporation,

Opposer,

v.

Flux Software,

Applicant.

Opposition No. _____

Mark: **F.LUX**

Serial No.: 86644758

NOTICE OF OPPOSITION

Lux Products Corporation (“Opposer”) believes it will be damaged by the registration of the mark **F.LUX**, shown in Application Serial No. 86/644,758, for all the goods identified in International Class 9, as published in the Office Gazette on October 20, 2015, and hereby opposes same pursuant to an extension of time granted on November 12, 2015. The grounds for this Opposition are set forth below.

1. Opposer is a Delaware corporation with its U.S. headquarters at 4747 S. Broad Street, Bldg. 101, Ste. 330, Philadelphia, Pennsylvania 19112.

2. Opposer is a manufacturing company formed over 100 years ago that has grown into a global corporation whose current focus is the design and manufacture of innovative thermostat and control products for residential and light commercial use. It offers the second largest retail thermostat brand, selling more than 10 million thermostats in the U.S. alone.

3. Since at least as early as January of 1994, Opposer has been engaged in the design, manufacture, promotion, and sale of thermostat and control products for residential and

light commercial use bearing the mark **LUX**, used alone and in combination with other names and designs, in commerce in the U.S. (the “LUX Marks”).

4. The LUX Marks are used and are federally registered, or pending federal registration, for use on or in connection with thermostats, control products, and related goods.

5. Opposer is the owner of the following U.S. trademark applications and U.S. trademark registrations, among others:

Mark	Reg. No. (App. No.)	Goods and Services	Used in Commerce At Least As Early As
LUX	2264062	Thermostat and thermostat accessories, namely, thermocouples and locking guards; electronic timers; water heater parts, namely, thermostats, pressure switches, pressure gauges, drain valves, temperature relief valves, pressure cut-off switches; mechanical timers (Class 9) Range replacement parts, namely, top burner elements, drip pans, rings and bowls, top burner and oven knobs, bake and broil elements, and receptacle blocks (Class 11)	July 1994 January 1996
LUXPRO	2349968	Thermostats (Class 9)	November 5, 1998
LUXLIGHT	2108904	Thermostats for controlling heating and cooling systems (Class 9)	October 13, 1995
LUX	(86452014)	Thermostat and thermostat accessories, namely, thermocouples and locking guards; electronic timers; water heater parts, namely, thermostats, pressure switches, pressure gauges, pressure relief drain valves, temperature relief valves, pressure cut-off switches; mechanical timers (Class 9)	July 1, 2015
LUX Products	(86452015)	Thermostat and thermostat accessories, namely, thermocouples and locking guards; electronic timers; water heater parts, namely, thermostats, pressure switches, pressure gauges, pressure relief drain valves, temperature relief valves, pressure cut-off switches; mechanical timers (Class 9)	July 1, 2015

Copies of the registration details are attached hereto as Exhibit A.

6. The LUX Marks are each distinctive and are each valuable assets as symbols of Opposer and its business. Opposer has developed considerable goodwill through its substantially exclusive and continuous use of the LUX Marks for the past 20 years.

7. Flux Software LLC (“Applicant”) filed its intent-to-use application on May 28, 2015, seeking to register the mark **F.LUX** for use on or in connection with “software to control and improve the quality of light sources,” in International Class 9. To date, Applicant has not filed an Amendment to Allege Use.

8. The application for the mark **F.LUX** identifies a mark that is similar in sound, appearance, and meaning to Opposer’s **LUX** mark, and by extension, to each of the LUX Marks listed above. In particular, Applicant’s mark **F.LUX** incorporates the entirety of Opposer’s distinctive mark **LUX**; the addition of the letter “F” and a period for punctuation do not obviate the similarities, but rather acts to focus attention on the separate term “LUX” used in the opposed mark. Overall, the opposed mark creates the same commercial impression and is confusingly similar to each of the LUX Marks.

9. The application for the mark **F.LUX** identifies goods – namely, “software to control and improve the quality of light sources,” in Class 9 – that are closely related, and potentially identical, to those goods offered by Opposer under the LUX Marks – including “thermostats for controlling heating and cooling systems” and “thermostat and thermostat accessories, namely, thermocouples and locking guards; electronic timers; water heater parts, namely, thermostats, pressure switches, pressure gauges, pressure relief drain valves, temperature relief valves, pressure cut-off switches; mechanical timers,” in Class 9.

10. Upon information and belief, Applicant will be selling its goods through the same channels of trade and to the same classes of consumers that are utilized by Opposer in connection with the goods sold bearing the LUX Marks.

11. Opposer has priority. The applications for each of the LUX Marks were filed, and the noted registrations issued, all well before Applicant submitted its intent-to-use application to register the **F.LUX** mark. Opposer's registered marks all were used well before Applicant submitted its intent-to-use application.

12. Applicant's registration of the mark **F.LUX** is likely to cause confusion, or mistake, or to deceive as to source, with each of the previously-used and -registered LUX Marks, within the meaning of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

13. If Applicant is granted the registration herein opposed, it would obtain at least a *prima facie* exclusive right to use the mark **F.LUX** for the goods identified in the application, thereby causing damage and injury to Opposer. Any defect, objection, or fault found with Applicant's goods offered under the mark **F.LUX** is likely to reflect upon Opposer, and expose Opposer to liability, and injure the goodwill and the reputation that Opposer has expended considerable costs and efforts to develop and maintain for its various thermostat control products sold under the LUX Marks.

WHEREFORE, Opposer respectfully requests that this Opposition be sustained and that Application Serial No. 86/644,758 be refused registration in its entirety.

[signature on following page]

Respectfully submitted,

Dated: December 11, 2015

/Bridget H Labutta/

Patricia Smink Rogowski

Bridget H Labutta

Panitch Schwarze Belisario & Nadel LLP

2005 Market Street, 22nd Floor

Philadelphia, PA 19103

(215) 965-1330 (Main)

(215) 965-1331 (Facsimile)

PRogowski@panitchlaw.com

BLabutta@panitchlaw.com

CERTIFICATE OF SERVICE

I hereby certify that on December 11, 2015, a true and correct copy of the foregoing document was delivered by electronic mail and by first class mail, postage prepaid, to:

STUART L. CARROLL
Law Offices Of Stuart L Carroll
400 Continental Blvd Ste 600
El Segundo, CA 90245-5074
carrollaw@aol.com
stuart@carrollaw.com

/Bridget H Labutta/_____

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Lux Products Corporation,

Opposer,

v.

Flux Software,

Applicant.

Opposition No. _____

Mark: **F.LUX**

Serial No.: 86644758

NOTICE OF OPPOSITION

EXHIBIT A

Generated on:

This page was generated by TSDR on 2015-11-20 13:54:28 EST

Mark: LUX

US Serial Number: 75329054

Jul. 23, 1997

US Registration Number: 2264062

Jul. 27, 1999

Register:

Principal

Mark Type:

Trademark

Status:

The registration has been renewed.

Status Date:

Mar. 13, 2009

Publication Date: May 04, 1999

Application Filing Date:

Registration Date:

Mark Information

Mark Literal Elements:

LUX

Standard Character Claim:

No

Mark Drawing Type:

1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Related Properties Information

**Claimed Ownership of US
Registrations:**

0130058, 1809962 and others

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For:

thermostat and thermostat accessories, namely, thermocouples and locking guards; electronic timers; water heater parts, namely, thermostats, pressure switches, pressure gauges, drain valves, temperature relief valves, pressure cut-off switches; mechanical timers

International Class(es): 009 - Primary Class

U.S Class(es):

021, 023, 026, 036, 038

Class Status:

ACTIVE

Basis:

1(a)

First Use: Jul. 1994

Use in Commerce:

Jul. 1994

For:

range replacement parts, namely, top burner elements, drip pans, rings and bowls, top burner and oven knobs, bake and broil elements, and receptacle blocks

International Class(es): 011 - Primary Class**U.S Class(es):**

013, 021, 023, 031, 034

Class Status:

ACTIVE

Basis:

1(a)

First Use: Jan. 1996**Use in Commerce:**

Jan. 1996

Basis Information (Case Level)

Filed Use: Yes**Currently Use:** Yes**Amended Use:** No**Filed ITU:** No**Currently ITU:** No**Amended ITU:** No**Filed 44D:** No**Currently 44D:** No**Amended 44D:** No**Filed 44E:** No**Currently 44E:** No**Amended 44E:** No**Filed 66A:** No**Currently 66A:** No**Filed No Basis:** No**Currently No Basis:** No

Current Owner(s) Information

Owner Name:

Lux Products Corporation

Owner Address:

6000 I Commerce Parkway
Mt. Laurel, NEW JERSEY 08054
UNITED STATES

Legal Entity Type: CORPORATION**State or Country Where
Organized:**

DELAWARE

Attorney/Correspondence Information

Attorney of Record**Attorney Name:** T. Daniel Christenbury**Attorney Primary Email
Address:** ip.phil@dlapiper.com**Attorney Email
Authorized:**

Yes

Correspondent**Correspondent
Name/Address:**

T. Daniel Christenbury
DLA Piper LLP (US)
ONE LIBERTY PLACE, STE 4900
1650 MARKET STREET
PHILADELPHIA, PENNSYLVANIA 19103
UNITED STATES

Phone: 215-656-3381**Fax:**

215-656-2498

Correspondent e-mail: ip.phil@dlapiper.com**Correspondent e-mail
Authorized:**

Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Mar. 13, 2009	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	60234
Mar. 13, 2009	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Mar. 03, 2009	ASSIGNED TO PARALEGAL	60234

Feb. 25, 2009 TEAS SECTION 8 & 9 RECEIVED
Aug. 18, 2006 CASE FILE IN TICRS
Dec. 17, 2004 REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.
Oct. 27, 2004 REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED
Oct. 27, 2004 PAPER RECEIVED
Jul. 27, 1999 REGISTERED-PRINCIPAL REGISTER
May 04, 1999 PUBLISHED FOR OPPOSITION
Apr. 02, 1999 NOTICE OF PUBLICATION
Feb. 11, 1999 APPROVED FOR PUB - PRINCIPAL REGISTER
Aug. 07, 1998 CORRESPONDENCE RECEIVED IN LAW OFFICE
Jan. 11, 1999 EXAMINER'S AMENDMENT MAILED
Dec. 09, 1998 FINAL REFUSAL MAILED
Aug. 07, 1998 CORRESPONDENCE RECEIVED IN LAW OFFICE
Mar. 06, 1998 NON-FINAL ACTION MAILED
Mar. 04, 1998 ASSIGNED TO EXAMINER

72510

Maintenance Filings or Post Registration Information

Affidavit of Continued Use:

Section 8 - Accepted

Affidavit of Incontestability:

Section 15 - Accepted

Renewal Date:

Jul. 27, 2009

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: POST REGISTRATION

Date in Location:

Mar. 13, 2009

Proceedings

Summary

Number of Proceedings:

1

Type of Proceeding: Opposition

Proceeding Number: [91224825](#)

Filing Date:

Nov 12, 2015

Status: Pending

Status Date:

Nov 12, 2015

Interlocutory Attorney: ANDREW P BAXLEY

Defendant

Name:

Superior Home Automation Corp.

Correspondent Address:

NORM J. RICH
Foley & Lardner LLP
3000 K St NW Fl 6
Washington DC , 20007-5109

Correspondent e-mail:

IPDocketing@foley.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
LUXSIT	Opposition Pending	86650233	
Plaintiff(s)			
Name:			

Lux Products Corporation

Correspondent Address:

Patricia Smink Rogowski
Panitch Schwarze Belisario & Nadel LLP
One Commerce Square 2005 Market Street, Suite 2200
Philadelphia PA , 19103
UNITED STATES

Correspondent e-mail:

usptotm@panitchlaw.com , progowski@panitchlaw.com , blabutta@panitchlaw.com , dballantyne@panitchlaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
LUX	Renewed	75329054	2264062
LUXPRO	Renewed	75705977	2349968
LUXLIGHT	Renewed	75177856	2108904
LUX	SU - Registration Review Complete	86452014	
LUX PRODUCTS	SU - Registration Review Complete	86452015	

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Nov 12, 2015	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Nov 12, 2015	Dec 22, 2015
3	PENDING, INSTITUTED	Nov 12, 2015	

Generated on:

This page was generated by TSDR on 2015-11-20 13:55:00 EST

Mark: LUXPRO

LUXPRO

US Serial Number: 75705977

Application Filing Date:

May 13, 1999

US Registration Number: 2349968

Registration Date:

May 16, 2000

Register:

Principal

Mark Type:

Trademark

Status:

The registration has been renewed.

Status Date:

Mar. 31, 2010

Publication Date: Feb. 22, 2000

Mark Information

Mark Literal Elements:

LUXPRO

Standard Character Claim:

No

Mark Drawing Type:

1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Related Properties Information

**Claimed Ownership of US
Registrations:**

1809962, 2108904, 2264062

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (()) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For:

THERMOSTATS

International Class(es): 009 - Primary Class

U.S Class(es):

021, 023, 026, 036, 038

Class Status:

ACTIVE

Basis:

1(a)

First Use: Nov. 05, 1998

Use in Commerce:

Nov. 05, 1998

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No
Filed 66A: No
Filed No Basis: No

Currently 44E: No
Currently 66A: No
Currently No Basis: No

Amended 44E: No

Current Owner(s) Information

Owner Name:

Lux Products Corporation

Owner Address:

6000 I Commerce Parkway
Mt. Laurel, NEW JERSEY UNITED STATES 08054

Legal Entity Type: CORPORATION

**State or Country Where
Organized:**

DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: T DANIEL CHRISTENBURY

Docket Number:

1064-99

**Attorney Primary Email
Address:** pto.phil@dlapiper.com

**Attorney Email
Authorized:**

Yes

Correspondent

**Correspondent
Name/Address:**

T DANIEL CHRISTENBURY
DLA Piper LLP (US)
ONE LIBERTY PLACE, SUITE 4900
1600 MARKET STREET
PHILADELPHIA, PENNSYLVANIA UNITED STATES 19103

Phone: 215-656-3381

Fax:

215-656-2498

Correspondent e-mail: pto.phil@dlapiper.com

**Correspondent e-mail
Authorized:**

Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Mar. 31, 2010	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	68335
Mar. 31, 2010	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Mar. 30, 2010	TEAS SECTION 8 & 9 RECEIVED	
Mar. 31, 2006	CASE FILE IN TICRS	
Dec. 10, 2005	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	68335
Nov. 30, 2005	ASSIGNED TO PARALEGAL	68335
Nov. 02, 2005	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Nov. 02, 2005	PAPER RECEIVED	
May 16, 2000	REGISTERED-PRINCIPAL REGISTER	
Feb. 22, 2000	PUBLISHED FOR OPPOSITION	
Jan. 21, 2000	NOTICE OF PUBLICATION	
Dec. 28, 1999	APPROVED FOR PUB - PRINCIPAL REGISTER	
Nov. 23, 1999	EXAMINER'S AMENDMENT MAILED	
Nov. 09, 1999	ASSIGNED TO EXAMINER	76585

Maintenance Filings or Post Registration Information

**Affidavit of Continued
Use:**

Section 8 - Accepted

**Affidavit of
Incontestability:**

Renewal Date:

May 16, 2010

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location:

Mar. 31, 2010

Proceedings

Summary

Number of Proceedings:

1

Type of Proceeding: Opposition

Proceeding Number: [91224825](#)

Filing Date:

Nov 12, 2015

Status: Pending

Status Date:

Nov 12, 2015

Interlocutory Attorney: ANDREW P BAXLEY

Defendant

Name:

Superior Home Automation Corp.

Correspondent Address:

NORM J. RICH
Foley & Lardner LLP
3000 K St NW Fl 6
Washington DC , 20007-5109

Correspondent e-mail:

IPDocketing@foley.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
LUXSIT	Opposition Pending	86650233	

Plaintiff(s)

Name:

Lux Products Corporation

Correspondent Address:

Patricia Smink Rogowski
Panitch Schwarze Belisario & Nadel LLP
One Commerce Square2005 Market Street, Suite 2200
Philadelphia PA UNITED STATES , 19103

Correspondent e-mail:

usptotm@panitchlaw.com , progowski@panitchlaw.com , blabutta@panitchlaw.com , dballantyne@panitchlaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
LUX	Renewed	75329054	2264062
LUXPRO	Renewed	75705977	2349968
LUXLIGHT	Renewed	75177856	2108904
LUX	SU - Registration Review Complete	86452014	
LUX PRODUCTS	SU - Registration Review Complete	86452015	

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Nov 12, 2015	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Nov 12, 2015	Dec 22, 2015
3	PENDING, INSTITUTED	Nov 12, 2015	

Generated on:

This page was generated by TSDR on 2015-11-20 13:56:03 EST

Mark: LUXLIGHT

US Serial Number: 75177856

Application Filing Date:

Oct. 07, 1996

US Registration Number: 2108904

Registration Date:

Oct. 28, 1997

Register:

Principal

Mark Type:

Trademark

Status:

The registration has been renewed.

Status Date:

Mar. 15, 2008

Publication Date: Aug. 05, 1997

Mark Information

Mark Literal Elements:

LUXLIGHT

Standard Character Claim:

No

Mark Drawing Type:

1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For:

thermostats for controlling heating and cooling systems

International Class(es): 009 - Primary Class

U.S Class(es):

021, 023, 026, 036, 038

Class Status:

ACTIVE

Basis:

1(a)

First Use: Oct. 13, 1995

Use in Commerce:

Oct. 13, 1995

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No
Filed 66A: No
Filed No Basis: No

Currently 44E: No
Currently 66A: No
Currently No Basis: No

Amended 44E: No

Current Owner(s) Information

Owner Name:

Lux Products Corporation

Owner Address:

6000 I Commerce Parkway
Mount Laurel, NEW JERSEY UNITED STATES 08054

Legal Entity Type: CORPORATION

**State or Country Where
Organized:**

DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: T. Daniel Christenbury

Docket Number:

1123-04 (Lux

**Attorney Primary Email
Address:** jp.phil@dlapiper.com

**Attorney Email
Authorized:**

Yes

Correspondent

**Correspondent
Name/Address:**

T. Daniel Christenbury
DLA Piper US LLP
1650 Market Street
One Liberty Place, Suite 4900
Philadelphia, PENNSYLVANIA UNITED STATES 19103

Phone: 215-656-3381

Fax:

215-656-2498

Correspondent e-mail: jp.phil@dlapiper.com

**Correspondent e-mail
Authorized:**

Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Mar. 15, 2008	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	66607
Mar. 15, 2008	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Mar. 10, 2008	ASSIGNED TO PARALEGAL	66607
Mar. 05, 2008	TEAS SECTION 8 & 9 RECEIVED	
Feb. 23, 2007	CASE FILE IN TICRS	
May 01, 2004	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Mar. 19, 2004	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Oct. 28, 1997	REGISTERED-PRINCIPAL REGISTER	
Aug. 05, 1997	PUBLISHED FOR OPPOSITION	
Jul. 04, 1997	NOTICE OF PUBLICATION	
Jun. 06, 1997	APPROVED FOR PUB - PRINCIPAL REGISTER	
May 30, 1997	ASSIGNED TO EXAMINER	69800

Maintenance Filings or Post Registration Information

**Affidavit of Continued
Use:**

Section 8 - Accepted

**Affidavit of
Incontestability:**

Section 15 - Accepted

Renewal Date:

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: POST REGISTRATION

Date in Location:

Mar. 15, 2008

Proceedings

Summary

Number of Proceedings:

1

Type of Proceeding: Opposition

Proceeding Number: [91224825](#)

Filing Date:

Nov 12, 2015

Status: Pending

Status Date:

Nov 12, 2015

Interlocutory Attorney: ANDREW P BAXLEY

Defendant

Name:

Superior Home Automation Corp.

Correspondent Address:

NORM J. RICH
Foley & Lardner LLP
3000 K St NW Fl 6
Washington DC , 20007-5109

Correspondent e-mail:

IPDocketing@foley.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
LUXSIT	Opposition Pending	86650233	

Plaintiff(s)

Name:

Lux Products Corporation

Correspondent Address:

Patricia Smink Rogowski
Panitch Schwarze Belisario & Nadel LLP
One Commerce Square2005 Market Street, Suite 2200
Philadelphia PA UNITED STATES , 19103

Correspondent e-mail:

usptotm@panitchlaw.com , progowski@panitchlaw.com , blabutta@panitchlaw.com , dballantyne@panitchlaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
LUX	Renewed	75329054	2264062
LUXPRO	Renewed	75705977	2349968
LUXLIGHT	Renewed	75177856	2108904
LUX	SU - Registration Review Complete	86452014	
LUX PRODUCTS	SU - Registration Review Complete	86452015	

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Nov 12, 2015	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Nov 12, 2015	Dec 22, 2015
3	PENDING, INSTITUTED	Nov 12, 2015	

Generated on:

This page was generated by TSDR on 2015-11-20 13:56:48 EST

Mark: LUX

LUX

US Serial Number: 86452014

Application Filing Date:

Nov. 12, 2014

Register:

Principal

Mark Type:

Trademark

Status:

Review prior to registration completed.

Status Date:

Nov. 04, 2015

Publication Date: Apr. 28, 2015

Notice of Allowance Date:

Jun. 23, 2015

Mark Information

Mark Literal Elements:

LUX

Standard Character Claim:

No

Mark Drawing Type:

5 - AN ILLUSTRATION DRAWING WITH WORD(S) /LETTER(S)/ NUMBER(S) INSTYLIZED FORM

Description of Mark:

The mark consists of the word "LUX", in stylized text, where the downward stroke of the "X" is solid, and the upward stroke is broken.

Color(s) Claimed:

Color is not claimed as a feature of the mark.

Related Properties Information

**Claimed Ownership of US
Registrations:**

2264062

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (()) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For:

Thermostat and thermostat accessories, namely, thermocouples and locking guards; electronic timers; water heater parts, namely, thermostats, pressure switches, pressure gauges, pressure relief drain valves, temperature relief valves, pressure cut-off switches; mechanical timers

International Class(es): 009 - Primary Class

U.S Class(es):

021, 023, 026, 036, 038

Class Status:

ACTIVE

Basis:

1(a)

First Use: Jul. 01, 2015

Use in Commerce:

Jul. 01, 2015

Basis Information (Case Level)

Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name:

Lux Products Corporation

Owner Address:

4747 S. Broad Street, Bldg 101, Ste 330
Philadelphia, PENNSYLVANIA UNITED STATES 19112

Legal Entity Type: CORPORATION

**State or Country Where
Organized:**

DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Laura A. Genovese

Docket Number:

688595.0002

**Attorney Primary Email
Address:** usptotm@panitchlaw.com

**Attorney Email
Authorized:**

Yes

Correspondent

**Correspondent
Name/Address:**

LAURA A. GENOVESE
PANITCH SCHWARZE BELISARIO & NADEL LLP
2005 MARKET ST STE 2200
PHILADELPHIA, PENNSYLVANIA UNITED STATES 19103-7086

Phone: 215-965-1348

Correspondent e-mail: usptotm@panitchlaw.com lgenovese@panitchlaw.com

**Correspondent e-mail
Authorized:**

Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Nov. 05, 2015	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Nov. 04, 2015	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Nov. 03, 2015	STATEMENT OF USE PROCESSING COMPLETE	69302
Oct. 21, 2015	USE AMENDMENT FILED	69302
Nov. 02, 2015	CASE ASSIGNED TO INTENT TO USE PARALEGAL	69302
Oct. 21, 2015	TEAS STATEMENT OF USE RECEIVED	
Jun. 23, 2015	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Apr. 28, 2015	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Apr. 28, 2015	PUBLISHED FOR OPPOSITION	
Apr. 08, 2015	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Mar. 25, 2015	LAW OFFICE PUBLICATION REVIEW COMPLETED	77312
Mar. 24, 2015	ASSIGNED TO LIE	77312
Mar. 04, 2015	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 04, 2015	EXAMINER'S AMENDMENT ENTERED	88888
Mar. 04, 2015	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Mar. 04, 2015	EXAMINERS AMENDMENT E-MAILED	6328

Mar. 04, 2015	EXAMINERS AMENDMENT -WRITTEN	73276
Mar. 03, 2015	ASSIGNED TO EXAMINER	73276
Nov. 19, 2014	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Nov. 15, 2014	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information	
TM Attorney: COWARD, JEFFERY	Law Office Assigned:
LAW OFFICE 106	
File Location	
Current Location: PUBLICATION AND ISSUE SECTION	Date in Location:
Nov. 04, 2015	

Proceedings

Summary

Number of Proceedings:

1

Type of Proceeding: Opposition

Proceeding Number: 91224825

Filing Date:

Nov 12, 2015

Status: Pending

Status Date:

Nov 12, 2015

Interlocutory Attorney: ANDREW P BAXLEY

Defendant

Name:

Superior Home Automation Corp.

Correspondent Address:

NORM J. RICH
Foley & Lardner Llp
3000 K St NW Fl 6
Washington DC , 20007-5109

Correspondent e-mail:

IPDocketing@foley.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
LUXSIT	Opposition Pending	86650233	

Plaintiff(s)

Name:

Lux Products Corporation

Correspondent Address:

Patricia Smink Rogowski
Panitch Schwarze Belisario & Nadel LLP
One Commerce Square2005 Market Street, Suite 2200
Philadelphia PA UNITED STATES , 19103

Correspondent e-mail:

usptotm@panitchlaw.com , progowski@panitchlaw.com , blabutta@panitchlaw.com , dballantyne@panitchlaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
LUX	Renewed	75329054	2264062
LUXPRO	Renewed	75705977	2349968
LUXLIGHT	Renewed	75177856	2108904
LUX	SU - Registration Review Complete	86452014	
LUX PRODUCTS	SU - Registration Review Complete	86452015	

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Nov 12, 2015	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Nov 12, 2015	Dec 22, 2015

Generated on:

This page was generated by TSDR on 2015-11-20 13:57:16 EST

Mark: LUX PRODUCTS



US Serial Number: 86452015

Application Filing Date:

Nov. 12, 2014

Register:

Principal

Mark Type:

Trademark

Status:

Review prior to registration completed.

Status Date:

Nov. 04, 2015

Publication Date: Apr. 28, 2015

Notice of Allowance Date:

Jun. 23, 2015

Mark Information

Mark Literal Elements:

LUX PRODUCTS

Standard Character Claim:

No

Mark Drawing Type:

3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Description of Mark:

The mark consists of the word "LUX", in stylized text, stacked above the word "PRODUCTS", separated by a horizontal line. The downward stroke of the "X" is solid, and the upward stroke is broken.

Color(s) Claimed:

Color is not claimed as a feature of the mark.

Disclaimer:

"PRODUCTS"

Design Search Code(s):

26.17.01 - Bands, straight; Bars, straight; Lines, straight; Straight line(s), band(s) or bar(s)

26.17.05 - Bands, horizontal; Bars, horizontal; Horizontal line(s), band(s) or bar(s); Lines, horizontal

Related Properties Information

Claimed Ownership of US Registrations:

2264062

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For:

Thermostat and thermostat accessories, namely, thermocouples and locking guards; electronic timers; water heater parts, namely, thermostats, pressure switches, pressure gauges, pressure relief drain valves, temperature relief valves, pressure cut-off switches; mechanical timers

International Class(es): 009 - Primary Class

U.S Class(es):

021, 023, 026, 036, 038

Class Status:

ACTIVE

Basis:

1(a)

First Use: Jul. 01, 2015

Use in Commerce:

Jul. 01, 2015

Basis Information (Case Level)

Filed Use: No

Currently Use: Yes

Amended Use: No

Filed ITU: Yes

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name:

Lux Products Corporation

Owner Address:

4747 S. Broad Street, Bldg 101, Ste 330
Philadelphia, PENNSYLVANIA 19112
UNITED STATES

Legal Entity Type: CORPORATION

**State or Country Where
Organized:**

DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Laura A. Genovese

Docket Number:

688595.0001

**Attorney Primary Email
Address:** usptotm@panitchlaw.com

**Attorney Email
Authorized:**

Yes

Correspondent

**Correspondent
Name/Address:**

LAURA A. GENOVESE
PANITCH SCHWARZE BELISARIO & NADEL LLP
2005 MARKET ST STE 2200
PHILADELPHIA, PENNSYLVANIA 19103-7086
UNITED STATES

Phone: 215-965-1348

Correspondent e-mail: usptotm@panitchlaw.com lgenovese@panitchlaw.com

**Correspondent e-mail
Authorized:**

Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Nov. 05, 2015	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Nov. 04, 2015	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Nov. 03, 2015	STATEMENT OF USE PROCESSING COMPLETE	69302
Oct. 21, 2015	USE AMENDMENT FILED	69302
Nov. 02, 2015	CASE ASSIGNED TO INTENT TO USE PARALEGAL	69302
Oct. 21, 2015	TEAS STATEMENT OF USE RECEIVED	
Jun. 23, 2015	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Apr. 28, 2015	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	

Apr. 28, 2015	PUBLISHED FOR OPPOSITION	
Apr. 08, 2015	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Mar. 25, 2015	LAW OFFICE PUBLICATION REVIEW COMPLETED	77312
Mar. 24, 2015	ASSIGNED TO LIE	77312
Mar. 04, 2015	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 04, 2015	EXAMINER'S AMENDMENT ENTERED	88888
Mar. 04, 2015	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Mar. 04, 2015	EXAMINERS AMENDMENT E-MAILED	6328
Mar. 04, 2015	EXAMINERS AMENDMENT -WRITTEN	73276
Mar. 03, 2015	ASSIGNED TO EXAMINER	73276
Nov. 20, 2014	NOTICE OF DESIGN SEARCH CODE E-MAILED	
Nov. 19, 2014	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Nov. 15, 2014	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: COWARD, JEFFERY

Law Office Assigned:

LAW OFFICE 106

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location:

Nov. 04, 2015

Proceedings

Summary

Number of Proceedings:

1

Type of Proceeding: Opposition

Proceeding Number: [91224825](#)

Filing Date:

Nov 12, 2015

Status: Pending

Status Date:

Nov 12, 2015

Interlocutory Attorney: ANDREW P BAXLEY

Defendant

Name:

Superior Home Automation Corp.

Correspondent Address:

NORM J. RICH
Foley & Lardner LLP
3000 K St NW Fl 6
Washington DC , 20007-5109

Correspondent e-mail:

IPDocketing@foley.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
LUXSIT	Opposition Pending	86650233	

Plaintiff(s)

Name:

Lux Products Corporation

Correspondent Address:

Patricia Smink Rogowski
Panitch Schwarze Belisario & Nadel LLP
One Commerce Square2005 Market Street, Suite 2200
Philadelphia PA , 19103
UNITED STATES

Correspondent e-mail:

usptotm@panitchlaw.com , progowski@panitchlaw.com , blabutta@panitchlaw.com , dballantyne@panitchlaw.com

Associated marks

Mark	Application Status	Serial	Registration
------	--------------------	--------	--------------

		Number	Number
LUX	Renewed	75329054	2264062
LUXPRO	Renewed	75705977	2349968
LUXLIGHT	Renewed	75177856	2108904
LUX	SU - Registration Review Complete	86452014	
LUX PRODUCTS	SU - Registration Review Complete	86452015	

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Nov 12, 2015	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Nov 12, 2015	Dec 22, 2015
3	PENDING, INSTITUTED	Nov 12, 2015	